

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

FURMINATOR, INC.,)	
(f/k/a F/M Acquisition Corp.),)	
)	
Plaintiff,)	CASE NO. 2:08-cv-00338
v.)	
)	
PETVAC GROUP LLC,)	
)	
Defendant.)	
)	

ORDER

Pending before this Court is FURminator's Motion for Fees and Costs (ECF No. 74) arising out of this Court's request in its August 5 Memorandum and Order to establish its fees and costs relating to its effort of proving-up the fraudulent email. Also pending before this Court is FURminator's request for damages and a finding of an exceptional case (ECF No. 75). On the basis of the record before this Court as of August 23, 2011, seeing as how these motions are now unopposed due to a lack of a response required by the Local Rules,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiff FURminator, Inc.'s Motion for Fees and Costs (ECF No. 74) is GRANTED, and further,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that, attorneys' fees and costs shall be assessed against Defendant PetVac Group LLC and Mr. Kent Rowald, jointly and severally, in the amount of \$60,000.00 (SIXTY THOUSAND DOLLARS).

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiff FURminator, Inc.'s request for a reasonable royalty, for a finding of an exceptional case under 35 U.S.C. § 285, and for an award of reasonable attorneys' fees is (ECF No. 74) is GRANTED. This Court declares this case to be exceptional within the meaning of 35 U.S.C. § 285 as a result of litigation misconduct, and further,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiff FURminator, Inc. has suffered damages in the amount of \$ 66,590 (SIXTY SIX THOUSAND FIVE HUNDRED AND NINETY DOLLARS). A reasonable royalty for PetVac Group LLC's sales is \$ 10 per tool for 6,659 units of sales.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that attorneys' fees and costs shall be assessed against Defendant PetVac Group LLC in the amount of \$70,577.25 (SEVENTY THOUSAND, FIVE HUNDRED SEVENTY SEVEN DOLLARS AND TWENTY FIVE CENTS).

It is therefore, ORDERED, ADJUDGED AND DECREED that within thirty (30) days of August 25, 2011, Mr. Rowald and PetVac Group LLC shall pay to FURminator, Inc. the sum of \$60,000.00 (SIXTY THOUSAND DOLLARS) made payable to "Thompson Coburn LLP" and delivered to Mr. David Jinkins, Thompson Coburn LLP, One US Bank Plaza, St. Louis, Missouri 63101.

It is also therefore, ORDERED, ADJUDGED AND DECREED that within thirty (30) days of August 25, 2011, PetVac Group LLC shall pay to FURminator, Inc. the sum of \$137,167.25 (ONE HUNDRED THIRTY SEVEN THOUSAND ONE HUNDRED AND SIXTY-SEVEN DOLLARS AND TWENTY FIVE CENTS) made payable to "Thompson Coburn LLP" and delivered to Mr. David Jinkins, Thompson Coburn LLP, One US Bank Plaza, St. Louis, Missouri 63101.

So ORDERED.

SIGNED this 30th day of September, 2011.



T. JOHN WARD
UNITED STATES DISTRICT JUDGE